

Official Plan Amendment & Zoning By-law Amendment

650 Main Street West, Port Colborne

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For: M5V 650 Main Inc.

By: NPG Planning Solutions Inc.
4999 Victoria Avenue
Niagara Falls, ON L2E 4C9
T: 905 321 6743

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1.0 Introduction

NPG Planning Solutions Inc. (NPG) are planning consultants to M5V 650 Main Inc., “Owners” of 6,095 square metres of land in the City of Port Colborne, municipally known as 650 Main Street West (Subject Lands). NPG has been retained to provide professional planning advice on the proposed mixed-use development consisting of at-grade commercial spaces, 95 apartment units and 132 parking spaces. Implementation of the proposed development requires an Official Plan Amendment and a Zoning By-law Amendment.

This Planning Justification Report (PJR) provides an analysis of the proposed development and evaluates the appropriateness of applications for Amendments to the Official Plan and Zoning By-law when assessed against policies in the Provincial Policy Statement (PPS), Growth Plan for the Greater Golden Horseshoe (Growth Plan), Niagara Official Plan (Region’s OP), the City of Port Colborne Official Plan and the City of Port Colborne Zoning By-law No. 6575/30/18 (City Zoning By-law).

Sections 5.1, 5.2, 5.3 and 5.4 of this report present analysis of the proposed applications within the provincial and regional planning policies. Section 5.5 of this report discusses the proposal’s conformance with the general intent and objectives of the City’s OP while Sections 6.0 and 7.0 provide justification for approval of the applications for Official Plan Amendment and Zoning By-Law Amendment respectively.

2.0 Description of Subject Lands and Surrounding Area

As shown in **Figure 1 – Aerial Context of Surrounding Uses**, the Subject Lands are in an urban area of the City of Port Colborne, along the southside of Main Street West (Regional Road No. 3).

The Subject Lands are irregularly shaped with an approximate frontage of 110 metres on Main Street West, an approximate depth of 82 metres, and a total gross area of 6,095 square metres. A road widening of approximately 7.3 metres along the lot frontage has been illustrated as requested by Regional staff. The net site area is 5,307.7 square metres due to the required road widening.

There is a one-storey building, at the southern portion of the Subject Lands, and a swimming pool with a concrete deck, last used by Seaway Motel. There are no natural heritage features on the Subject Lands or on adjacent lands. Please see Photos 1 - 9 for visual context of the Subject Lands.

The Subject Lands are surrounded by residential, and commercial and vacant land uses. Figure 1 highlights the surrounding land uses around the Subject Lands. The abutting lands to the east are lands primarily used for low density residential purposes in the form of single-detached dwellings. Lands on the north side of Main Street West and south and west of the Subject Lands are designated Highway Commercial as per Schedule A: City-Wide Land Use of the Town OP.



Figure 1 – Aerial Context of Surrounding Uses

Figure 2 – Community Facilities on the following page illustrates the available amenities and active transportation facilities within a 500-metre and 1-kilometre radius of the Subject Lands.

The Subject Lands are within the commercial area along Main Street West. This corridor contains a mix of uses, including residences and local servicing commercial uses such as retail, restaurants, and gas stations.

The Subject Lands have access to a range of transportation options. Port Colborne operates NRT On-Demand transit services. On-Demand Transit offers a shared-ride public transportation option that doesn't follow a fixed schedule or route. Instead, computer software optimizes bus travel based on rider trip requests. This service covers the entire town, enabling riders to travel directly between points without requiring transfers.

Main Street West is owned and maintained by Niagara Region. The road is part of the Niagara Region's Strategic Cycling Network. There are currently no sidewalks or bicycle trail provided along the Regional Road. As per Policy 6.2.2.8, the Region supports the design of Regional Roads within community cores to improve accessibility and include pedestrian and cycling infrastructure.

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Parks and recreational facilities are also located in proximity to the Subject Lands, including Rose Shymansky Memorial Park which is within 500 metres of the Subject Lands. Harry Dayboll Park, Westdale Park and Maple Park are within the 1-kilometer radius of the Subject Lands. Additionally, Port Colborne Minor Baseball Rotary Complex is located less than 1 kilometer from the Subject Lands.

Oakwood Public School is located approximately 1.2 kilometres northeast of the Subject Lands. St. John Bosco Catholic Elementary School and St. Patrick Catholic Elementary School are located within the 1-kilometre radius from the Subject Lands. Port Colborne Secondary School is located just outside the 1-kilometer radius southeast from the Subject Lands.

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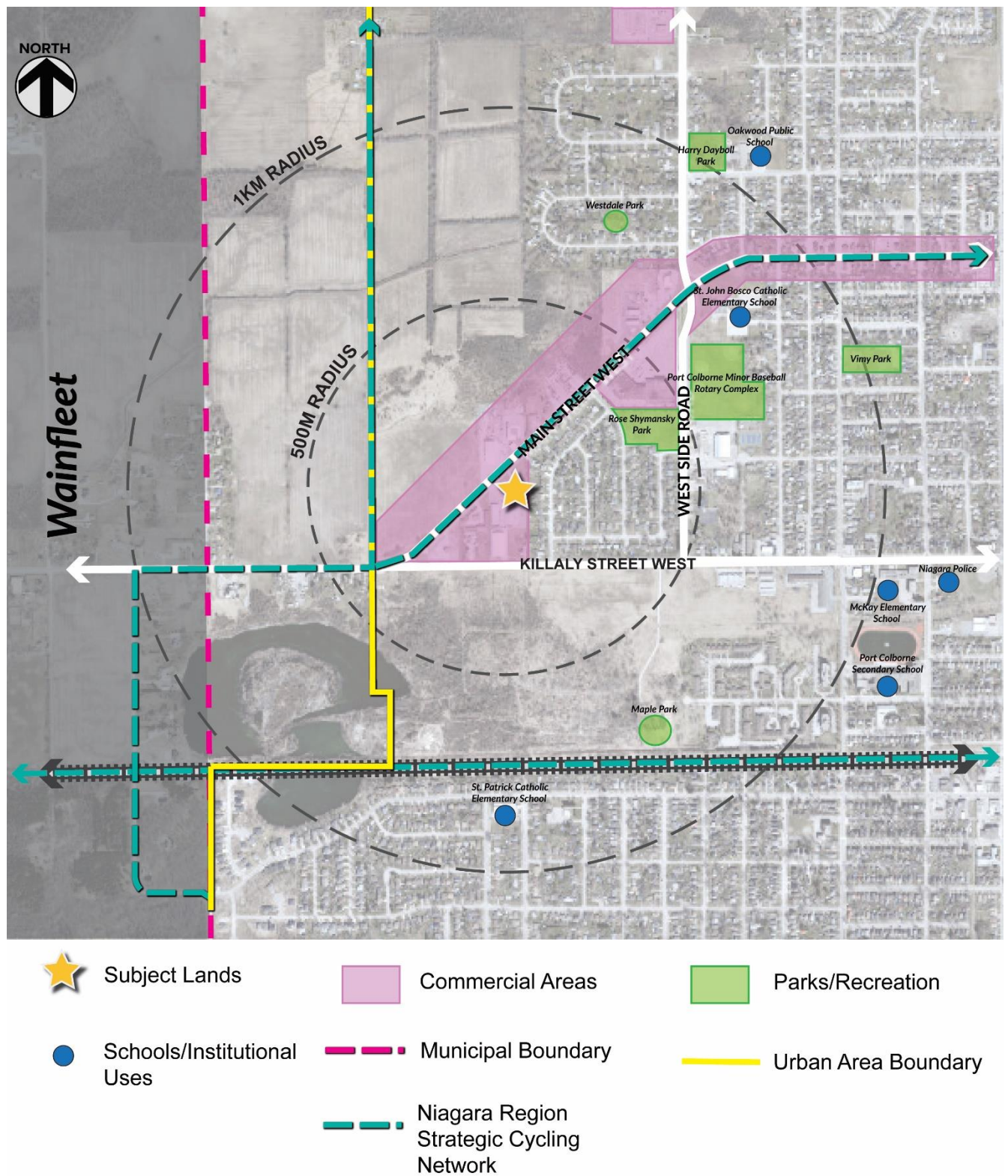


Figure 2 – Community Amenities Map

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Photo 1 – Looking northeast towards entrance to Subject Lands on Main Street West



Photo 2 – Looking southwest along the Front Lot Line from northeast corner of the Subject Lands



Photo 3 – Looking south along the eastern lot line from the northeast corner of the Subject Lands. Adjacent residential uses are located on the left side of the photo. Dwellings are not visible in photo.



Photo 4 – Looking northeast towards the treeline screening residential dwellings to the East.

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***Photo 5 –Looking south from the western side lot line dividing 658 Main Street West from Subject Lands.
Structure on Subject Lands is on left side of the photo.***

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Photo 6 – Looking southwest along the rear lot line.



Photo 7 – Looking south towards the shed on the eastern portion of Lot.



Photo 8 – Looking south towards the break between landscaped buffer and fence adjacent to residential uses. Break appears to be along 21 Third Avenue.



Photo 9 – Looking south towards the existing concrete pool

3.0 Proposed Development

M5V 650 Main Inc. is proposing to develop a 6-storey mixed-used development containing 95 residential units and 326 square metres of commercial space, with a density of 179 units per hectare. Access to the Subject Lands is proposed from the northeast corner, connecting to a parking area in the rear yard. A conceptual site plan is included in **Appendix F** to this report.

The building is situated along the northwest property line at a height of twenty (20) metres. Ground floor space will contain commercial uses and five (5) residential units fronting Main Street West. The ground floor will also contain the entrance and lobby, amenity spaces, garbage room and a mechanical and electric room. Floors two (2) through six (6) will each have eighteen (18) residential units. All residential units will be provided with private amenity areas in the form of balconies and/or private terraces and are accessible by an elevator.

The proposed development would provide for 51% lot coverage and 28% landscaped open space based on net site area. Landscaping is comprised of the proposed walkways and landscaped areas around the building. Parking for the development will be provided at grade (50 spaces) and a two level parking structure (82 spaces), totaling 132 spaces, including six (6) accessible spaces. Of the total parking spaces, eight (8) spaces are allotted for hybrid vehicles. As a result, four (4) Electric Vehicle (EV) Charging Stations will be provided along the eastern lot line. The proposal also contains bicycle parking at grade with four (4) for the commercial space located at the front of the building, and twelve (12) for the residential units situated at the back of the building.

The building's location has been strategically planned to minimize potential impacts on nearby residential areas related to height. To achieve this, a substantial interior side yard setbacks of 16 meters on the east side and 3-meter-wide landscape buffers is proposed to be implemented.

The City of Port Colborne Official Plan designates the Subject Lands Highway Commercial according to Schedule A – City Wide Land Use Plan (see Appendix D – City Schedules). As per Section 3.8 of the City's Official Plan, lands in this designation primarily cater the travelling public, in proximity to arterial roads and highways. The proposed residential use is currently not permitted in this designation. A site-specific request is being made through the proposed Official Plan Amendment application to permit the proposed residential use. The proposed Official Plan Amendment is described in Section 6.0 of this PJR.

The Subject Lands are zoned Highway Commercial (HC) in the City Zoning By-law. The HC zone does not permit residential units. The Applications propose to rezone the Subject Lands Mixed Use (MU) with site-specific provisions related to the minimum front yard setback, minimum interior side yard abutting Residential Zones, minimum rear yard, maximum building height, parking requirements, obstructed parking space size, ingress and egress requirements, location of loading spaces and minimum landscaped open

space within parking areas. The proposed Zoning By-law Amendment is described in Section 7.0 of this PJR.

3.1 Pre-consultation Summary

A formal Pre-consultation meeting was held on April 14, 2022. The conceptual site plan was updated based on feedback and was subsequently shared with staff for feedback. Some key points discussed at the meeting are listed below:

- Concerns regarding the proposed number of residential units in relation to the Highway Commercial designation.
- Staff note that if new commercial uses are introduced a market study will be required prepared by a qualified professional. The uses proposed as part of these applications will be in accordance with the Zoning By-law, thereby negating the need for such a study.
- The proximity of Main Street West (Regional) requiring higher standard of urban design.
- Site and building design mitigation measures from the nearby commercial uses.

Please refer to the Pre-consultation Summary document, enclosed with these applications for a complete list of required studies and agency comments.

4.0 Supporting Studies Review

4.1 Environmental Site Assessment

Phase One and Phase Two Environmental Site Assessments (ESA) dated March 3, 2022, and April 21, 2022, respectively, were conducted by Niagara Soils Solutions Ltd. to investigate any Potentially Contaminating Activities (PCAs) on the site to support the filing of a Record of Site Condition (RSC) with the Ministry of the Environment, Conservation and Parks for the planned change in land use. Both the soil and groundwater results met applicable Ontario Regulation 153/04 criteria. Niagara Soils Solutions Ltd. concluded that no additional soil and/or groundwater environmental investigation is required and a submission of an RSC for the change in land use is justified.

4.2 Municipal Servicing Study

A Functional Servicing Report was prepared regarding the proposed development by S. Llewellyn & Associates Ltd, dated June 2023. The Functional Servicing Report provides the following information:

1. Stormwater storage is required for the proposed development. The storage is proposed to be provided via surface ponding on the asphalt parking lot as well as rooftop ponding on the proposed building as capacities are within the required amount needed during the 100-year storm event.
2. The proposed development will be serviced with a 200mmø watermain feeding off the existing 250mmø watermain along Main Street West.
3. The proposed development will be serviced by a 200mmø sanitary sewer system and will discharge to the existing 450mmø sanitary sewer along Main Street West. Peak sanitary discharge is described as 4.79 litres per second.

4. A hydrant flow test will be completed at a later date to confirm that the municipal distribution system has adequate pressure and capacity to service the proposed development.

4.3 Traffic Impact Study

Paradigm Traffic Solutions prepared a Traffic Impact Brief, dated August 28, 2023, to address potential traffic impacts resulting from the proposed development.

A total of 44 AM new vehicle trips and 62 PM new vehicle trips are forecast to be generated by the proposed development using the average rates. An operational analysis was completed to determine future traffic volumes under the 2028 horizon and the proposed site driveway is forecast to operate with minimal delay, with volume/capacity ratios well within capacity during the AM and PM peak hours. A left turn warrant analysis was conducted to determine if the projected traffic volumes warrant the installation of a left turn lane along Main Street West. It was determined that a left turn lane is not warranted at the intersection.

The Traffic Impact Brief noted that the Concept Plan depicts an offset arrangement with respect to the opposing driveways on the north side of Main Street West. The primary issues to consider with offset driveways are the possibility of overlapping left turns and the potential difficulty in making a weaving maneuver to travel between the offset legs of the intersection. The offset would create left-turn lane overlaps, and as such the Traffic Impact Brief recommended that the proposed driveway be restricted to right-in only with right/left-out operations.

A parking analysis was included within the Traffic Impact Study. It was discovered that the commercial parking requirements within the City's Zoning By-law are significantly higher than those provided by the Institute of Transportation Engineers (ITE). The ITE parking rates stipulate that 125 parking spaces are required for the residential component and 7 spaces for the commercial component, for a total of 132 parking spaces for the subject site. It was concluded that a supply of 132 parking spaces is supportable for the proposed development.

Overall, the proposed development can be supported from a traffic and parking impact perspective.

5.0 Planning Policies

The purpose of this PJR is to provide a thorough analysis of the proposed development and evaluate the appropriateness of advancing applications for an Amendment to the Official Plan and Zoning By-law in the context of the *Planning Act*, Provincial Policy Statement, the Growth Plan for the Greater Golden Horseshoe, the Niagara Official Plan, the City of Port Colborne Official Plan and the City Zoning By-law (No. 6575/30/18). The following provides a thorough analysis of these documents.

5.1 *Planning Act R.S.O. 1990, c. P.13*

Section 2 of the *Planning Act* identifies matters of Provincial interest that Council shall have regard to in carrying out its responsibilities under the *Planning Act*. These matters are analyzed in **Table 1**, below:

Table 1: Matters of Provincial Interest

Matter of Provincial Interest	Analysis
(a) the protection of ecological systems, including natural areas, features and functions	There are no natural heritage areas, features and functions that have been identified on the Subject Lands or that are anticipated to be impacted.
(b) the protection of the agricultural resources of the Province	The Subject Lands are within an Urban Area Boundary. Facilitating development in the Urban Area Boundary reduces pressure to urbanize agricultural areas.
(c) the conservation and management of natural resources and the mineral resource base	The proposed development will not impact natural resources or mineral resources.
(d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest	There are no known significant cultural heritage or archaeological features on the Subject Lands.
(e) the supply, efficient use and conservation of energy and water	The proposed development is an energy efficient form of development as it provides for a compact built-form and intensification where available municipal services exist.
(f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems	The proposed development would optimize the use of existing municipal services.
(h) the orderly development of safe and healthy communities	The proposed development will facilitate appropriate development standards for intensification, redevelopment, while avoiding or mitigating risks to public health and safety, in accordance with policies contained within Section 1.0 of the PPS, regarding building strong healthy communities. This matter is discussed in Section 5.2 of this PJR.
(h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies	The City of Port Colborne is a Joint Accessibility Advisory Committee (JAAC) representative. The JAAC comments on Planning Applications with consideration to identifying and removing barriers to people with disabilities, promoting equal opportunities to our citizens of all abilities.

	<p>The Applications are anticipated to be circulated to the JAAC for review and comment. Future Site Plan Applications will need to comply with O. Reg. 191/11: <i>Integrated Accessibility Standards</i> under the <i>Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005, c. 11</i>. Of note, accessible parking spaces are proposed for this development.</p>
(k) the adequate provision of employment opportunities	<p>The proposed mixed-use building is anticipated to result in job creation. Residents of the proposed development are also anticipated to support existing commercial uses within this area of Port Colborne.</p>
(l) the protection of the financial and economic well-being of the Province and its municipalities	<p>The efficient use of lands and compact built form allows for the efficient use of municipal water and sewage services and infrastructure, increasing cost efficiencies related to maintenance.</p>
(o) the protection of public health and safety	<p>The Subject Lands are not impacted by any known hazards.</p>
(p) the appropriate location of growth and development	<p>The Subject Lands are within the Built-up Urban Area of Port Colborne. Intensification is generally encouraged within the Urban Area.</p>
(q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians	<p>There are no fixed transit routes in the City of Port Colborne. Port Colborne is serviced by on-demand transit. On-demand transit is a shared-ride public transit service without a fixed schedule or route. Should the City choose to revert to traditional transit, it is anticipated that such transit would be concentrated on higher-order transportation corridors such as regional roads. The proposed development creates demand along a regional road, where future transit may be accommodated.</p> <p>The proposed density and compact built form support the achievement of development at a walkable scale.</p>
(r) the promotion of built form that, (i) is well-designed,	<p>As per the analysis regarding Design Guidelines included within Section 5.4 of this PJR, this criterion is met.</p>

<p>(ii) encourages a sense of place, and (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;</p>	
<p>(s) the mitigation of greenhouse gas emissions and adaptation to a changing climate.</p>	<p>The compact built form and mix of land uses is anticipated to reduce automobile dependence, and consequently the necessity to consume fossil fuels.</p>

Subsection 3(5) of the *Planning Act* requires that decisions of Council shall be consistent with provincial policy statements and shall conform with provincial plans that are in effect.

Subsection 14.7(3) of the *Planning Act* requires a municipality to prepare and adopt an official plan.

Section 22 of the *Planning Act* permits a person or public body to request an amendment to the official plan.

Subsection 24(1) of the *Planning Act* requires that by-laws passed by Council shall conform to official plans that are in effect.

Section 34 of the *Planning Act* permits councils of local municipalities to pass and/or amend zoning by-laws for such purposes as may be set out in the by-law, and for regulating construction and land use within the municipality.

Consistency and conformity with Provincial, Regional and Town policies are discussed in-depth in the subsequent sections of this report. Subject to the analysis provided in the following sections of this report, the Applications are considered to comply with the provisions of the *Planning Act*.

5.2 Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) sets the policy foundation for regulating land use in Ontario. It requires that developments make efficient use of land and services and supports opportunities for long-term economic prosperity. The Subject Lands are within a Settlement Area as per the policies of the PPS. In this regard, the following applies:

5.2.1. Managing and Directing Land Use

Section 1.1 of the PPS provides the following with respect to managing and directing land use. The following applies to the proposed development:

POLICY

1.1.1 *Healthy, liveable and safe communities are sustained by:*

a) *promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*

- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*
 - e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;*
- 1.1.3.1** *Settlement areas shall be the focus of growth and development.*
- 1.1.3.2** *Land use patterns within settlement areas shall be based on densities and a mix of land uses which:*
- a) efficiently use land and resources;*
 - b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion...*
 - c) minimize negative impacts to air quality and climate change, and promote energy efficiency;*
 - e) support active transportation;*
 - f) are transit-supportive, where transit is planned, exists or may be developed...*
- 1.1.3.4** *Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.*

ANALYSIS

The Subject Lands are located within a Settlement Area as defined by the PPS, on lands with existing municipal services. The proposed development is consistent with the Settlement Area policies of the PPS by permitting appropriate development standards that support intensification through a range and mix of residential and commercial uses, the efficient use of land and resources, and the optimized use of existing municipal infrastructure.

Regional Roads such as Main Street West, are locations most likely to accommodate transit in the future. Providing higher densities including a mix of uses along Regional Roads supports future transit and active transportation. Reduced automobile dependence is also anticipated to reduce impacts to air quality and climate change through reduced greenhouse gas emissions.

5.2.2. Employment

Section 1.3 of the PPS provides the following with respect to Employment. The following applies to the proposed development:

POLICY

- 1.3.1 *Planning authorities shall promote economic development and competitiveness by:*
- a) *providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs...*
 - d) *encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities, with consideration of housing policy 1.4...*

ANALYSIS

The Applications will facilitate a mix of commercial (employment) and residential uses, within the same building. This compact built-form and mix of uses is consistent with the employment policies of the PPS.

5.2.3. Housing

Section 1.4 of the PPS provides the following policies with respect to housing:

POLICY

- 1.4.3 *Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:*
- b. *permitting and facilitating:*
 - 1. *all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and*
 - 2. *all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;*
 - c. *directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;*
 - d. *promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;*
 - e. *requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations; and*
 - f. *establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of*

housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

ANALYSIS

The Applications are consistent with the housing policies of the PPS as they propose to permit and facilitate development standards for residential intensification, compact form, and the provision of a range of housing options in the urban area where infrastructure and public service facilities exists or is planned to be accommodated to support such use. Of note, the proposed apartment units would increase housing choice in a community where single-detached housing types and other ground-oriented developments heavily prevail.

5.2.4 Infrastructure and Public Service Facilities

Section 1.6 of the PPS provides land use policies with respect to municipal servicing. The following applies to the Subject Lands:

POLICY

- 1.6.6.2 Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.*

ANALYSIS

The Applications propose to facilitate intensification, optimizing the use of existing municipal services, consistent with the policies of the PPS. Please see the Functional Servicing and Stormwater Management Report prepared by S. Llewellyn & Associates Limited dated June 2023 included with these Applications for more information.

5.2.5. Transportation Systems

Section 1.6.7. of the PPS provides direction regarding transportation systems. The following policies apply to the proposal:

POLICY

- 1.6.7.4 A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.*

ANALYSIS

Main Street West is a Regional Road as per Schedule J1 of the Niagara Official Plan. The Subject Lands are also located on the Regional Strategic Cycling Network as identified on Schedule J2 of the NOP. Focusing higher density developments in proximity to bicycle routes provides the necessary demand for such infrastructure to ensure its long-term viability.

Presently on-demand transit is in place. Should the City choose to revert to traditional transit, it is anticipated that such transit would be focused on Regional Roads. Intensifying along Regional Roads contributes to the establishment of appropriate capacities to provide future transit services.

The mixed-use form of development is also consistent with policy direction to reduce the length and number vehicle trips and support active transportation.

5.2.6 Human-Made Hazards

Section 3.2 of the PPS provides direction regarding human-made hazards. The following policies apply to the proposal:

POLICY

- 3.2.2 *Sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects.*

ANALYSIS

The Phase One and Phase Two Environmental Site Assessments completed by Niagara Soils Solutions Limited confirmed that soil and groundwater test results met applicable regulations. A Record of Site Condition is being prepared for submission to the Ministry of the Environment, Conservation and Parks to support the proposed change in land use.

SUMMARY

Based on the foregoing, the Applications are consistent with the policies of the PPS.

5.3 Growth Plan for Greater Golden Horseshoe (Office Consolidation 2020)

The Growth Plan for the Greater Horseshoe (Office Consolidation 2020) emphasizes compact and well-designed development in the Built-up Areas. The Growth Plan supports the achievement of complete communities that are “compact, transit-supportive, and make efficient use of investments in infrastructure and public service facilities” through site design and urban design standards.

5.3.1. Growth Management

Section 2.2.1 of the Growth Plan includes policies pertaining to growth management. The following policies apply to the proposal:

POLICY

2.2.1(2) a) *the vast majority of growth will be directed to settlement areas that:*

- i. have a delineated built boundary;*
- ii. have existing or planned municipal water and wastewater systems; and*
- iii. can support the achievement of complete communities;*

2.2.1(2) c) *within settlement areas, growth will be focused in:*

- i. delineated built-up areas;*

2.2.1(4) *Applying the policies of this Plan will support the achievement of complete communities that:*

- a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;*
- b) improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;*
- c) provide a diverse range and mix of housing options, including additional residential units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;*
- d) expand convenient access to:*
 - i. a range of transportation options, including options for the safe, comfortable and convenient use of active transportation;*
 - ii. an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities; and*
- e) provide for a more compact built form and a vibrant public realm, including public open spaces;*

ANALYSIS

The Applications will support the creation of complete communities by facilitating mix of land uses including commercial uses and a mix of housing options within the built-up area, where single-detached dwellings dominate. The Subject Lands are also in proximity to a range of commercial uses. This location makes the Subject Lands well situated to provide for a higher density that would provide occupants of the dwelling units with convenient access to a range of necessities for daily living, including an appropriate mix of jobs, local stores, and services.

5.3.2 Built-up Area

Section 2.2.2 of the Growth Plan provides the following regarding Built-up Areas:

POLICY

2.2.2.3. *All municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout delineated built-up areas, which will: ...*

- c) encourage intensification generally throughout the delineated built-up area;*
- d) ensure lands are zoned and development is designed in a manner that supports the achievement of complete communities;...*
- f) be implemented through official plan policies and designations, updated zoning and other supporting documents.*

ANALYSIS

The Applications would facilitate intensification within the delineated built-up area and would contribute to the achievement of complete communities through the provision of commercial uses and a full range of housing options in an area supported by convenient access to local stores, and a range of transportation options.

5.3.3 Employment

Section 2.2.5 of the Growth Plan provides policy direction towards employment uses. The following policies apply:

POLICY

- 2.2.5(3) *Retail and office uses will be directed to locations that support active transportation and have existing or planned transit.*
- 2.2.5(4) *In planning for employment, surface parking will be minimized and the development of active transportation networks and transit-supportive built form will be facilitated.*

ANALYSIS

The proposed development includes areas for commercial uses within a mixed-use structure supporting active transportation networks. Parking is provided through a mix of surface spaces and a two (2) level parking structure located at the rear of the building, meeting the intent of the Growth Plan of ensuring that lands are being used efficiently, and creating a pedestrian, non-automobile dominated built-form.

5.3.4 Housing

Section 2.2.6 of the Growth Plan provides policies with respect to housing. The following policies apply:

POLICY

- 5.3.3.1. *Upper- and single-tier municipalities, in consultation with lower-tier municipalities, the Province, and other appropriate stakeholders, will:*
- a) support housing choice through the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan by:*
 - i. identifying a diverse range and mix of housing options and densities, including additional residential units and affordable housing to meet projected needs of current and future residents; and*
- 5.3.3.2. *Notwithstanding policy 1.4.1 of the PPS, 2020, in implementing policy 2.2.6.1, municipalities will support the achievement of complete communities by:*
- a) planning to accommodate forecasted growth to the horizon of this Plan;*
 - b) planning to achieve the minimum intensification and density targets in this Plan;*

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c) considering the range and mix of housing options and densities of the existing housing stock; and

d) planning to diversify their overall housing stock across the municipality.

ANALYSIS

The Applications conform with the Housing policies of the Growth Plan by facilitating the provision of a full range of housing options, through intensification of the Subject Lands, which supports the achievement of complete communities.

SUMMARY

Based on the foregoing, the Applications conform with and do not conflict with the Growth Plan.

5.4 Niagara Official Plan (2022)

The Niagara Official Plan (NOP) is Regional Municipality of Niagara's long-term, strategic policy planning framework for managing growth coming to Niagara. The policies of the NOP are intended to guide land use and development thereby influencing economic, environmental, and planning decisions until 2051 and beyond.

The following table identifies the Regional Schedules pertaining to the Subject Lands:

Table 2 – NOP Schedules and Designations of Subject Lands

SCHEDULE	SUBJECT LAND DESIGNATION
B – Regional Structure	Delineated Built-up Area
J1 – Transportation infrastructure	Main Street West is a Regional Road
J2 – Strategic Cycling Network	Main Street West is identified as part of the Strategic Cycling Network.

5.4.1 Managing Growth

Section 2.2.1 of the NOP provides policy direction regarding managing urban growth within the region. The following policies apply:

POLICY

2.2.1.1 *Development in urban areas will integrate land use planning and infrastructure planning to responsibly manage forecasted growth and to support:*

b) a compact built form, a vibrant public realm, and a mix of land uses, including residential uses, employment uses, recreational uses, and public service facilities, to support the creation of complete communities;

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- c) *a diverse range and mix of housing types, unit sizes, and densities to accommodate current and future market-based and affordable housing needs.*
- d) *social equity, public health and safety, and the overall quality of life for people of all ages, abilities, and incomes by expanding convenient access to:*
 - i. *a range of transportation options, including public and active transportation...*
- e) *built forms, land use patterns, and street configurations that minimize land consumption, reduce costs of municipal water and wastewater systems/services, and optimize investments in infrastructure to support the financial well-being of the Region and Local Area Municipalities;*
- f) *opportunities for transit-supportive development pursuant to Policies 2.2.17, 2.2.2.18 and 2.2.2.19...*
- i) *the development of a mix of residential built forms in appropriate locations, such as local growth centres, to ensure compatibility with established residential areas...*
- k) *orderly development in accordance with the availability and provision of infrastructure and public service facilities;*
- l) *mitigation and adaptation to the impacts of climate change by:...*
 - iii. *promoting built forms, land use patterns, and street configurations that improve community resilience and sustainability, reduce greenhouse gas emissions, and conserve biodiversity.*

2.2.2.5 *A Regional minimum of 60 per cent of all residential units occurring annually will be within built-up areas.*

ANALYSIS

The Applications meet all the above objectives of the NOP. To summarize, the Applications would facilitate the achievement of complete communities through intensification and the provision of a mix of uses including housing types within the built-up area. The Subject Lands are also ideally located to support the proposed density for the following reasons:

- There are existing municipal services to support the proposed dwelling units.
- The Subject Lands front onto a Regional Road, a preferred location for higher density development, due to the capacity to accommodate higher levels of traffic.
- The proposed development is also considered to be transit-supportive, as Regional Roads are an anticipated location where future transit may be accommodated.
- The Subject Lands are close (within 1.5km) to several parks and schools.

- There is a mix of uses in proximity to the Subject Lands which support residential use.
- The Subject Lands are located on a regional cycling network, and residential uses would optimize the use of such infrastructure.

5.4.2 Strategic Intensification and Higher Densities

Section 2.2.2 of the NOP provides policies with respect to intensification, as follows:

POLICY

2.2.2.1 *Within urban areas, forecasted population growth will be accommodated primarily through intensification in built-up areas with particular focus on the following locations:*

b) areas with existing or planned public service facilities;

c) other locations with existing or planned transit service, with a priority on areas with existing or planned frequent transit...

2.2.2.6 *Local Area Municipalities shall establish intensification targets in their official plans that meet or exceed the targets identified in Table 2-2 (Table 2-2 identifies 690 units and a 30% intensification rate for Port Colborne).*

Note: Local Area Municipalities may plan for additional intensification units and higher intensification rates within built-up areas than those identified in Table 2-2 for infrastructure purposes as it reflects development trends and land use permissions at the time of Local conformity.

2.2.2.9 *Local Area Municipalities may apply different intensification targets throughout their built-up area, provided the overall minimum intensification target in Table 2-2 for their municipality is planned to be achieved.*

ANALYSIS

The Applications would facilitate intensification as promoted in the NOP and would contribute to meeting Regional intensification targets within the built-up area of the City of Port Colborne, in an area well-served by a range of existing and planned public service facilities, as described in Section 2.0 of this PJR, and along a Regional Road, where in the future, transit may be accommodated. The Applications would also facilitate appropriate development standards to support the achievement of complete communities and facilitate compact built-form. For these reasons, the Applications conform with Section 2.2.2 of the NOP.

5.4.3 Housing

Section 2.3.1 of the NOP provides policy direction regarding housing within the region. The following policies apply:

POLICY

- 2.3.1.1 *The development of a range and mix of densities, lot and unit sizes, and housing types, including affordable and attainable housing, will be planned for throughout settlement areas to meet housing needs at all stages of life.*
- 2.3.1.4 *New residential development and residential intensification are encouraged to be planned and designed to mitigate and adapt to the impacts of climate change by:*
- a) facilitating compact built form...*

ANALYSIS

The Applications would facilitate the development of apartment dwelling units with varying unit sizes in an area where single-detached dwellings prevail, contributing to the range and mix of housing densities and types. This form of residential development also conforms with policies encouraging compact built-form.

5.4.4 Multimodal Transportation System

Section 5.1 of the NOP identifies policies regarding the provision of a multimodal transportation system that allows all users to travel in a safe, accessible, convenient, and affordable manner regardless of their chosen method of transportation. The following policies apply:

POLICY

- 5.1.1.4 *Local Area Municipalities shall consult with the Region and/or the Province to ensure decisions on development applications will not preclude or negatively affect the use of planned corridors for the purpose(s) for which it was identified.*
- 5.1.5.1 *As conditions of the approval of a development application under the Planning Act:*
- a) the Region may acquire land from the landowner required for the road allowance as identified in Schedule M, at no cost to the Region and free of all encumbrance, encroachments, and improvements unless otherwise agreed to by the Region...*
- 5.1.5.6 *Where new development for a sensitive land use is adjacent to a Regional Road, the Region will consider the need for a noise study or noise control measures to address traffic noise as per Provincial guidelines.*

ANALYSIS

Notes from the April 14, 2022 pre-consultation meeting regarding the Applications identified that the current Regional road allowance is deficient of the NOP planned width of 34.7 metres. Therefore, a road widening of 7.29 metres is required. This road widening has been shown in the conceptual site plan included with this submission.

Regional Transportation Engineering staff requested that only one access be proposed. This request has been incorporated into the conceptual site plan. During the pre-

consultation meeting it was also noted that a noise study will not be required as part of these Applications.

5.4.5 Healthy Communities

Section 6.3 of the NOP identifies policies regarding healthy communities. The following applies:

POLICY

6.3.1.5 *Sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects.*

ANALYSIS

As discussed in Section 4.1 of this PJR, a Phase One and Phase Two ESA were conducted to investigate any PCAs on the site. The ESAs findings concluded that soil and groundwater met all regulations and a change in land use is justified.

SUMMARY

For the reasons identified above, the Applications conform with the goals and policies of the Niagara Official Plan.

5.5 City of Port Colborne Official Plan (Updated: January 27, 2020)

The City of Port Colborne Official Plan provides a comprehensive 20-year vision for the future of the municipality. The Plan identifies and addresses matters that influence the growth and development of the City with respect to economic development, community improvement, conservation of natural and natural heritage resources, parks and open space requirements and expectations for water and wastewater servicing.

Table 3. Subject Land Designation on City Schedules

SCHEDULE	SUBJECT LAND DESIGNATION
Schedule A: City-Wide Land Use	Highway Commercial; Within Urban Area Boundary
Schedule A1: Greenfields	Built Boundary
Schedule B: Natural Heritage	No designation
Schedule B3: Vulnerable Aquifer Areas	High Vulnerable Aquifer
Schedule C: Mineral Aggregate and Petroleum Resources	Petroleum Resource Areas
Schedule D: Transportation	Main Street West is a Regional Road

5.5.1 Purpose of the Plan

Section 1.2 of the Port Colborne Official Plan outlines the Official Plan's purpose. The following is relevant to the Applications:

POLICY

- a) The general purpose of this Plan is to provide the City of Port Colborne with policies designed to secure the health, safety, convenience and welfare of the present and future inhabitants of the Planning Area. The Plan has been developed in consideration of the following planning principals:*
- i) Providing for a mix of land uses;*
 - iv) Creating a range of housing opportunities and choices;*
 - v) Creating walkable neighbourhoods;*

ANALYSIS

The Applications would implement the purpose of the Port Colborne Official Plan by facilitating the development of a mixed-use building and also provide a housing type uncommon to the City. The proposed density and mix of units support the creation of walkable neighbourhoods.

5.5.2 Growth Management Strategy

Section 2.2 of the Port Colborne Official Plan outlines the City's growth management strategy, and provides that the City of Port Colborne's Growth Management Strategy shall:

POLICY

- b) Direct growth in a strategic manner.*
- c) Direct urban growth to lands that fall within the designated Urban Area Boundary, which is serviced by municipal water and sanitary services.*
- f) Support compact and transit supportive development within the built boundary and on designated greenfield lands.*

ANALYSIS

The Applications would facilitate appropriate intensification through mixed-use development along a Regional Road in an area serviced by municipal water and sanitary services, within the City's Urban Area Boundary. Presently on-demand transit is in place. Should the City choose to revert to traditional transit, it is anticipated that such transit would be focused on Regional Roads. Intensifying along Regional Roads contributes to the establishment of appropriate capacities to provide future transit services.

5.5.3 Strategic Directions – Enhancing Quality of Life

Section 2.3 of the Port Colborne Official Plan outlines the City's strategic directions. Section 2.3.1 Enhancing Quality of Life is relevant in regard to the Applications, as follows:

POLICY

The City will promote a compact urban form, a balanced mix of housing types and land uses, efficient and cost effective infrastructure and transportation, and good urban design for neighbourhoods and business areas by: ...

- c) Promoting residential intensification in the urban area with a flexible approach that encourages a mix of housing types and densities appropriate to location...*

ANALYSIS

The Applications meet the above objective by facilitating residential intensification, and by also contributing to the provision of a mix of housing types by appropriately locating high density residential development.

5.5.4 Strategic Planning Policies

Section 2.4 of the Port Colborne Official Plan outlines the City's strategic planning policies. The following are relevant to the proposed development:

5.5.4.1 Housing

Section 2.4.2.1(a) of the Port Colborne Official Plan provides policies related to housing, as analyzed in the following Table:

POLICY & ANALYSIS

Table 4. Analysis of Section 2.4.2.1(a) of Port Colborne Official Plan

Policy	Analysis
<i>New housing development should:</i>	
<i>i) Be located in the urban area to make use of existing infrastructure and facilities;</i>	The Subject Lands are located within the urban area and will make use of existing infrastructure.
<i>ii) Be accessible to medical facilities, shopping and any future public transportation system;</i>	Featuring a mix of commercial and residential uses and being in proximity to Highway Commercial lands, the proposed development will be in proximity to a range of commercial uses. While on-demand transit is presently in place, the Subject Lands have frontage on a Regional Road. Regional Roads are an ideal location to establish traditional transit, should such a system be reinstated, ensuring that residents have access to any future transportation system that may be established.
<i>iii) Be close to or be developed with on-site parks and open space;</i>	Rose Shymansky Memorial Park which is within 500 metres of the Subject Lands. Harry Dayboll Park, Westdale Park and

	Maple Park are within the 1-kilometer radius of the Subject Lands.
iv) Incorporate design features for an aging population;	The proposed development will include accessibility features (barrier free units, elevator and accessible parking) to assist an aging population. Furthermore, the provision of a mix of uses will ensure that future residents will not be required to travel long distances for certain necessities.
v) Use housing forms suitable for an aging population such as at-grade housing or medium density apartment buildings;	The proposed development will feature apartment dwelling units, a housing form suitable for an aging population.
vi) Provide for a range of smaller lots and homes suitable to smaller households; and	The proposed development will feature unit sizes ranging from one (1) to two (2) plus den, suitable to smaller households.
vii) Be close to or be developed with social and recreational facilities.	The proposed development will include 55 square metres of private amenity space and is located within one (1) kilometer of the Port Colborne Baseball Rotary Complex and the Port Colborne Tennis Club.

5.5.4.2 Intensification and Infill

Section 2.4.3 of the Port Colborne Official Plan provides policies related to intensification and infill. The following policies apply:

POLICY

- a) The majority of the Municipality's intensification will be accommodated within the Urban Area where the development is compatible with the surrounding uses.*

2.4.3.1 Intensification Target

- a) The Municipality will plan to achieve an intensification target of 15%.*
- b) Intensification will be measured on an annual basis and will include all new housing units created within the Built-up area.*

2.4.3.2 Design Guidelines

- a) Infill and intensification sites should match the pre-established building character of adjacent buildings.*
- b) Where no existing or consistent character is established, infill and intensification development should be consistent with the applicable Design Guideline Policies of this Plan.*

- c) Where appropriate, the design of the development should provide linkages and connections to existing and proposed pedestrian and bicycle networks.*
- d) The design of infill and intensification development should be consistent with all other applicable policies of this Plan.*

ANALYSIS

The Subject Lands are located within the Urban Area, the preferred location for intensification. The proposed development will significantly contribute to achieving of the City's intensification targets.

The Subject Lands are surrounded by commercial uses to the north, south, and west and abuts residential uses to the east. While buildings are typically low-rise (1-2 storeys in height), the adjacent buildings and structures do not share a cohesive character. The neighbouring commercial uses feature varying setbacks and built forms, with parking scattered across the sites. The residential uses to the east front onto Third Ave, with rear perimeter fencing of varying designs and landscaping visible from Main Street West. As per Policy 2.4.3.2 consistency with the applicable Design Guideline Policies is discussed in Section 5.5.5.2 of this PJR.

To achieve compatibility, the mixed-use building is proposed to be setback 16 metres from the residential uses east. Further mitigation will be implemented as part of a future site plan application including the provision of fencing where none exists and landscape buffers. Through the same process appropriate connections will be secured to proposed pedestrian and bicycle networks.

5.5.4.3 Potentially Contaminated Properties

Section 2.4.7 of the Port Colborne Official Plan provides policies related to potentially contaminated properties within the City. The following are related to the proposed development:

POLICY

- a) The city will utilize available information in the planning application review process to help ensure that development takes place only on sites where the environmental conditions are suitable for the proposed use of the site.*
- d) Where a proposed change in use to a more sensitive use has been identified through the City's planning application circulation and review process as "potentially contaminated", the City and/or the Region shall:
 - i) Require the filing of a Record of Site Condition (RSC), signed by a Qualified Person, with the Environmental Site Registry and submission to the City and Region of proof that the Ministry of the Environment has acknowledged the receipt of the RSC.**

ANALYSIS

The Phase One and Phase Two Environmental Site Assessments (ESA) dated March 3, 2022, and April 21, 2022, respectively, conducted by Niagara Soils Solutions Ltd. confirmed that both soil and groundwater results met applicable Ontario Regulation 153/04 criteria. As of the date of submission of this PJR, an RSC is in the process of being submitted to the Ministry for review.

5.5.4.4 Energy Conservation and Climate Change

Section 2.4.9 of the Port Colborne Official Plan provides policies related to energy conservation and climate change within the City. The following are related to the proposed development:

POLICY

- a) In order to reduce energy consumption, reasonably compact forms of development shall be maintained in conjunction with efficient pedestrian, bicycle and vehicular transportation networks.*
- c) When considering building forms, development which results in extensive loss of sunlight to adjacent land uses shall be discouraged.*

ANALYSIS

The proposed development features a compact form, including appropriate densities and a mix of uses, which is supportive of active transportation and planned active transportation networks. This form of development is anticipated to reduce automobile dependence. Additionally, significant setbacks are proposed from adjacent residential uses to mitigate impacts regarding loss of light from the proposed 20 metre tall building.

5.5.5 General Land Use Policies

Section 3 of the Port Colborne Official Plan provides policies General Land Use Policies within the City.

5.5.5.1 Highway Commercial

Section 3.8.1 of the Port Colborne Official Plan provides policies related to the Highway Commercial designation. The following apply to the proposal:

POLICY

- b) Commercial uses that would be more appropriate in the Downtown Commercial areas such as retail stores, banks, medical clinics and professional offices shall not be permitted.*
- d) Adequate off-street parking facilities, including consideration for bicycles, are required in well-organized, landscaped and well-illuminated parking areas or structures.*
- e) A minimum number of driveways to the site will be allowed and driveway entrances will be configured for maximum safety.*

- f) *At the time the existing residential or commercial development fronting Main Street between the Welland Canal and Elizabeth Street are redeveloped, they should be redeveloped to a higher order of mixed use comprising ground floor commercial integrated with upper storey residential uses, and generally comply with the design guidelines in the Downtown designation.*

ANALYSIS

The future commercial uses will comply with the permitted uses within the Mixed-Use Zone. The proposed Zoning By-law Amendment would not permit any additional uses for the Subject Lands that are directed to the Downtown Commercial Area.

The conceptual site plan includes the provision of 132 automobile and 16 bicycle parking spaces at grade and via a two level parking structure as described in Section 3.0 of this PJR. As per the Traffic Impact Brief prepared by Paradigm Transportation Solutions Limited, dated August 28, 2023, the proposed parking supply is deficient from the City's Zoning requirements which stipulate a total supply of 136 spaces are required. A review of Institute of Transportation Engineers (ITE) Trip Generation Manual (11th Edition) parking data and comparable zoning requirements from adjacent municipalities (City of Welland and Town of Pelham) support the proposed parking supply.

One (1) driveway is proposed to provide access to the proposed development. The Traffic Impact Brief also considered the proposed driveway shown on the Conceptual Plan. The Traffic Impact Brief recommended that access to the Subject Lands is restricted to right-in only with right/left-out operations to mitigate the negative offset arrangement.

Residential uses are not permitted as-of-right within the Highway Commercial designation; however, such uses are contemplated east of the Subject Lands between Welland Canal and Elizabeth Street.

In considering the appropriateness of allowing for the Applications, consideration should be given towards the contemporary context. The City of Port Colborne Official Plan was approved by the Ontario Municipal Board on November 25, 2013, with the most recent update ensuring conformity with provincial policies occurring on January 27, 2020.

The contemporary planning context should be considered regarding the proposal to establish residential uses on the Subject Lands. In this regard, the Report of the Ontario Housing Affordability Task Force was released February 8, 2022. The Task Force, through its report made sweeping recommendations aimed at dramatically boosting the supply of housing in the Province." Report notes that "it is too easy to oppose new housing and too costly to build. We are in a housing crisis and that demands immediate and sweeping reforms." Fifty-five (55) recommendations were proposed to address the housing supply crisis. Subsequent legislation that has resulted from the recommendations of the Housing Affordability Task Force Report includes Bill 109: More Homes for Everyone Act, 2022 and Bill 23: More Homes Built Faster Act, 2022. Implementing appropriate opportunities to provide housing is essential to address the housing supply crisis.

The Subject Lands are an appropriate location to provide housing for the following reasons:

- The Subject Lands do not present a cohesive character. In particular, the Subject Lands are surrounded by a large mix of uses and built-form characteristics as described in Section 5.5.4.2 of this PJR. The provision of a six-storey mixed use building would not be out of place in this regard.
- The Subject Lands are adjacent to both residential and highway commercial uses to the east and west, respectively. As the interface between residential and highway commercial uses has already been established in proximity to the Subject Lands, the proposed development is not anticipated create a new land use compatibility impact that had not previously existed.
- The proposed development would not significantly impact the supply of commercial lands, as such uses would continue to exist on the ground floor. There are also highway commercial lands in proximity to the Subject Lands available for such uses.
- The proposed development would facilitate a mix of commercial and residential uses which would facilitate the achievement of both complete communities and compact built form, and support local commercial and recreational infrastructure.
- Appropriate infrastructure is available, and in particular:
 - there are existing municipal services to support the proposed use, and
 - the Subject Lands front onto a Regional Road, a preferred location for higher density development, due to the capacity to accommodate higher levels of traffic and being where future transit may be accommodated.
- There are community amenities available to support the use including parks, schools, recreation facilities and commercial uses.

5.5.5.2 Commercial Plaza Design Guidelines

Section 3.8.2(a) of the Port Colborne Official Plan provides that Highway Commercial uses are subject to the design guidelines for Commercial Plaza as specified in Section 3.7.2. The following is an analysis of relevant guidelines. Of note, several matters that have been analyzed will be further refined through a future Site Plan Application.

GUIDELINES & ANALYSIS

3.7.2.1 General Appearance and Signage

Table 5. Analysis of Section 3.7.2.1 of Port Colborne Official Plan

Guideline	Justification
a) Buffering shall be provided between the commercial establishment and other land uses. This shall include grassed areas and appropriate planting of trees and shrubs and/or the provision of other suitable screening materials. The types of	The proposed development will feature a 3-metre landscaping strip around the perimeter. The Subject Lands are surrounded by Highway Commercial uses to the north, west and south. Adequate setbacks and areas for landscaping have been incorporated in the conceptual site

trees and shrubs will be subject to the approval of the Director of Planning and Development Services.	plan to ensure compatibility with residential land uses to the east.
b) Building entrances and display windows should be oriented to street frontages, and a minimum of one major building entrance should front directly onto the main street frontage	Entrances and windows for the commercial units will be oriented to Main Street West. The principal residential entrance to the building will be located at the rear with a secondary entrance at the Main Street West frontage.
c) Buildings should be built to a minimum setback at intersections to help frame the streets	The building is proposed to be setback 5 metres from the street line following the road widening helping to ensure that the building appropriately frames the street, while that its height and massing does not have an overpowering effect.
d) A minimum of 40% of the main street frontage of a given property should be defined by building edge.	The building occupies 64.7% of the frontage is occupied by the building.
e) No front yard parking should be permitted for those portions of the building frontage constituting the minimum 40%.	No front yard parking is proposed.
f) Where large setbacks can be justified for large commercial stores, smaller commercial buildings (i.e. restaurants, banks) should be located at the street edge.	The building is anticipated to contain small commercial uses and is located 5 metres from the street edge.
g) Commercial garbage receptacles will be adequately screened or in an enclosed storage area contiguous with the building.	A waste storage room is proposed within the building.

3.7.2.2 Parking, Access and Loading Areas

Table 6. Analysis of Section 3.7.2.2 of Port Colborne Official Plan

Policy	Justification
Parking and landscaping for commercial establishments should be designed as follows:	
i. Screening shall be provided between parking areas and adjacent residential properties.	A board-on-board fence is proposed to match the existing fence to ensure adequate screening of parking areas from residential uses.
ii. Buffers shall be located at the perimeter of the property line adjacent to parking areas and	A 3.0 metre landscape buffer is proposed along the perimeter of the Subject Lands.

laneways to accommodate landscaping and tree planting	Landscaping of this buffer will be determined at the site plan stage.
iii. Landscaped islands shall be placed at the end of all parking aisles.	An island is proposed near the residential access at the rear of the building, adjacent to the accessible parking space labelled as #13 and at the northeastern most corner of the Subject Lands. Landscaping will be determined at the site plan stage.
iv. Parking aisles with a length of more than 15 stalls shall be broken up with landscaped islands.	Parking islands are provided after a maximum of 25 parking stalls. In considering the density of development proposed, the size of the parking area, and compact form of development, the provision of additional islands appears to be unnecessary and would be difficult to install while at the same time maintaining sufficient parking on the Subject Lands.
v. All parking islands shall be planted with hardy, strongly branched and salt tolerant trees	This will be detailed at the site plan stage.
vi. Large parking areas shall be broken up with linear pedestrian only sidewalks planted with a consistent row of trees.	The size of the parking area, proximity of spaces to the building, and the compact form of development does not necessitate the need for sidewalks within the parking area.
vii. The placement of sidewalks shall be oriented to link building entrances	A concrete sidewalks 1.5 m in width is proposed along the frontage of the Subject Lands providing connection to all commercial and residential uses.
viii. Parking for bicycles shall be included, which shall be consistent with professionally recognized design guidelines.	Bicycle parking is proposed at the front and rear of the building to support its commercial and residential uses. The design of the proposed bicycle parking spaces will be confirmed as part of a future Site Plan Application.
b) Service and loading areas shall be oriented to the rear of the building.	A loading area is proposed at the rear of the building.

5.5.6 Servicing and Stormwater Management

Section 8 of the Port Colborne Official Plan provides policies related to Servicing and Stormwater Management within the City:

5.5.6.1 Water and Sanitary Servicing

Section 8.1 of the Port Colborne Official Plan provides policies related to water and sanitary servicing. The following policies apply to the proposed development:

POLICY

The systems for water distribution and treatment, wastewater collection and treatment and stormwater collection and release shall be developed and operated in a manner which protects public health and safety, supports development and minimizes any potential impacts on the natural environment in accordance with the following policies:

8.1.1 Servicing Within the Urban Area

- a) New Development in the urban area is required to be on full municipal water services and municipal sanitary services.*
- d) In the Urban Area, where adequate municipal infrastructure services exist, a developer or subdivider shall provide on their site, approved engineered systems for water service, sanitary sewers and storm sewers; and where the City deems necessary, and shall also provide extensions beyond said lands for connections to City mains. The City shall continue its present practice of obtaining Subdivider Agreements or Site Plan Agreements relating to services, standards, specifications, levies, etc. The City may amend these Agreements from time to time. The City may waive this policy in the case of development it considers as 'infill'*

ANALYSIS

The proposed development will be on full municipal water and sanitary services. A Functional Servicing Report and Stormwater Management Report dated June 2023, has been prepared, as described in Section 4.2 of this PJR described implementation of the method of servicing.

5.5.6.2 Stormwater Management

Section 8.2 of the Port Colborne Official Plan provides policies related to stormwater management. The following policies apply to the proposed development:

POLICY

8.2 Stormwater Management

- a) Stormwater will be managed on-site and will not have an adverse impact to neighbouring properties or the drainage patterns of the surrounding area*
- b) A stormwater management plan and a sediment and erosion control plan prepared and signed by a qualified engineer may be required with a development application depending on the scale and nature of the proposal and site specific environmental conditions. Stormwater management plans shall be prepared in accordance with Policy 7.A.2.1, of the Ontario Ministry of the Environment Stormwater Management Planning and Design Manual 2003 or its successor, and with watershed and/or environmental planning studies for the area. A stormwater management plan and a sediment and erosion control plan shall not be required for a new mineral aggregate operation or the expansion to an existing operation where these matters are adequately*

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addressed through studies prepared to meet the requirements of the Aggregate Resources Act.

- c) *A stormwater management plan submitted with an application for development shall demonstrate that the proposal will minimize vegetation removal, grading and soil compaction, erosion and sediments, and impervious services as well as meeting the requirements of Policy 8.2 (b) and Section 8.2.1 of this Plan. Stormwater management facilities shall not be constructed in Natural Heritage Features as identified in Section 4 or key hydrologic features, or in required buffer zones unless permitted under Section 4 of this Plan.*
- d) *Combined storm and sanitary sewers are not permitted and the City will endeavour to separate existing combined storm and sanitary sewers.*

ANALYSIS

The Subject Lands provide separate systems for storm and sanitary sewers. Sufficient stormwater storage would be provided on the surface of the asphalt parking lot and on the roof of the proposed building. Measures as described in the Functional Servicing & Stormwater Management Report prepared by S. Llewellyn & Associates Limited will be implemented to ensure that the proposed development meets applicable standards regarding stormwater quantity and quality, erosion and sediment control.

5.5.7 Transportation

Section 9 of the Port Colborne Official Plan provides policies related to Transportation within the City. The following applies to the proposal:

POLICY

9.1.1 Walking, Cycling and Transit

- a) *From environmental, economic, health and traffic management perspectives, non-automobile modes of transportation are the preferred methods of movement within the City and full consideration will be given to accommodating pedestrians and cycling in the planning, design and evaluation of any new development.*
- d) *Bicycle racks will be provided at all new public facilities and will be required, through Site Plan Control, for any new non-residential private development.*

9.1.2 Road Policies

- a) *Roads under the jurisdiction of the City, the Region of Niagara and the Province of Ontario are classified according to their functions as noted below in the following table identified as Figure 9.1.*

Roadway Classification	Typical Width	Right-of-way	Average Annual Daily Traffic (AADT)
Arterial	26-40 metres		1000 and over

b) Roadway classifications are defined as follows:

vii) Regional – roads that are owned and maintained by the Regional Municipality of Niagara.

ANALYSIS

The proposed development is mixed-use which supports alternative methods of travel, including non-automotive methods of transportation. A bicycle rack with four (4) parking spaces will be provided in front of the commercial areas to encourage cycling as a transportation method. Twelve (12) additional bicycle parking spaces will be provided at the rear for residential use.

Main Street West is Regional arterial road. The current Regional road allowance is deficient of the Niagara Official Plan policy width of 34.7 metres. The proposed development has included a road widening dedication of 7.29 metres to satisfy this requirement.

SUMMARY

Overall, the Applications have appropriate regard for the Port Colborne Official Plan and would implement its purpose, growth management strategy, strategic directions and strategic planning policies.

6.0 Proposed Official Plan Amendment

M5V 650 Main Inc. is proposed to amend the Official Plan to facilitate the proposed development. The specific change to the Official Plan is as follows:

1. Notwithstanding Section 3.8 of the Official Plan for the City of Port Colborne, a mix of uses including both ground floor commercial and a combination of ground floor and upper storey residential uses are permitted on the Subject Lands as shown on Schedule “A” to this amendment.

As indicated, the proposed Official Plan Amendment is consistent with the Provincial Policy Statement and conforms with A Place to Grow (Growth Plan for the Greater Golden Horseshoe), and the Niagara Official Plan. The proposal also does not conflict with the broader policy direction of the Town Official Plan.

7.0 Proposed Zoning By-law Amendment

The subject property is zoned Highway Commercial in accordance with Zoning By-law No.6575/30/18 (See Appendix E). To facilitate the proposed development the Owner is proposing to rezone the Subject Lands to a Site-Specific Mixed-Use Zone. The following zoning compliance tables identify the site-specific provisions required:

Table 6. Zoning Analysis of Mixed-Use Zone

Mixed-Use Regulation	Zone	Required	Proposed	Compliance
Permitted Use		Apartment Building	Apartment Building	Yes

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	Restaurant (fast-food, full-service, take-out) Service Commercial, etc.	Restaurant (fast-food, full-service, take-out) Service Commercial, etc.	
21.3 Zone Requirements – Mixed-use Buildings			
Minimum Frontage Lot	15 m	109 m	Yes
Minimum Lot Area	0.5 ha	0.53 ha (5,307 sq. m. net site area)	Yes
Minimum Front Yard	9 m	4.15 m (to balcony) 5.0 m (to building)	No
Minimum Interior Side Yard	1.2 m	3 m (southwestern line to parking structure)	Yes
Minimum Interior Side Yard abutting Residential Zone	7.5 m or half the height of a Residential Zone the building, whichever is greater	5.0 m	No
Minimum Corner Side Yard	2 m	N/A	Yes
Minimum Rear Yard	4.5 m	3 m (to parking structure) 34.87 (to building)	No
Maximum Building Height	11 m	20 m (building) 4.5 m (parking structure)	No
Minimum Landscape Buffer abutting Residential Zone	3 m	3m	Yes

Table 7. Zoning Analysis of Section 3 General Provisions

No.	Provision	Required	Proposed	Compliance
3.1.1 Parking Space Requirements for Residential Use	Parking Requirements for: Apartment Building	1.25 per unit = $95 \times 1.25 = 119$ (118.75)		No
3.1.2 Parking Space Requirements for Non-	Parking Requirements for: Animal Care Establishment,	1 space per 20 sq. m. GFA $326 \text{ sq m} / 20 = 17$ (16.3)		

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No.	Provision	Required	Proposed	Compliance
Residential Uses	Restaurant, Service Commercial,			
	Total Parking Required 136		Total Parking Proposed: 132	
3.2 Parking Space Dimension	Standard Parking Space Dimension	2.6 m x 5.2 m	2.6 x 5.2	Yes
	Standard Space Obstructed on One Side	3.0 m x 5.2	2.6 x 5.2	No
3.3 Accessible Parking	Accessible parking spaces shall be provided at the following rate:	Number of required standard parking spaces: 101-150 = 6 accessible spaces	6	Yes
3.7 Ingress and Egress Standards	Driveways shall have a minimum unobstructed width of 7.5 metres where two-way traffic is permitted and 3 metres where only one-way direction of traffic flow is permitted, except that the minimum width of a driveway accessory to a detached dwelling shall be 2.6 metres.	7.5 m	6 m	No
3.10 Loading Spaces	b)	No loading space shall be located within a required yard that abuts a Residential Zone.	Loading spaces are proposed in the rear yard which partially abuts a Residential Zone.	No
	c)	Access to loading spaces shall be by means of a	6 m in width	Yes

No.	Provision	Required	Proposed	Compliance
		driveway at least 3.5 metres in width, contained within the lot on which the loading spaces are located and leading to either an improved or unimproved road or lane not less than 7.5 metres in width.		
	d)	A loading space shall be a minimum of 3.5 metres by 9 metres with a minimum clearance height of 4 metres.	3.5 x 9	Yes
3.11.2 Minimum Landscaped Open Space within Parking Areas	a)	a landscaped open space equal to 10% of the parking area shall be required within all parking areas with 100 or more parking spaces.	No landscaped open space proposed	No

Minimum Front Yard

The front yard setback for the development is proposed at 4.15 metres to the balcony overhang/ground floor patio and 5.0 metres to the building wall, which falls short of the City's requirement of 9 metres. Bringing the building closer to the street helps to create a street wall fostering a sense of space and a pedestrian-friendly environment along Main Street West. The intent of a 9 metre front yard setback within the Highway Commercial Zone is to ensure adequate space for site access and parking in front of the commercial uses on site. The proposed development features parking at the rear of the building with access to the east of the building. Locating parking at the rear and having buildings located as close to the street as possible is consistent with the urban design objectives of commercial/mixed-use buildings. The requested variance is not anticipated to cause significant negative impacts on the existing streetscape and can be supported.

Minimum Interior Side Yard abutting

The proposed parking structure is located 5 metres from the nearest residential lot, deficient the 7.5 metres required in the City Zoning By-law. This reduced setback can be supported as:

- The parking structure will be screened by a 2.6 metre high board fence.
- The dwelling on the residential parcel is setback approximately 31 metres from the shared rear lot line, meaning the dwelling will be setback approximately 36 metres from the parking structure.
- The entirety of the 5 metre setback will consist of landscaping, helping mitigate any land use compatibility concerns.

Rear Yard Setback

The City Zoning By-law determines rear yard setback from the rear lot line and the nearest point of the principal building. The proposed parking structure is connected to the mixed-use building and is setback 3 metres from the rear lot line, deficient the 4.5 metres required. This reduced setback can be supported as:

- The parking structure will be screened by a 2.6 metre high board fence, mitigating impacts from the reduced setback.
- The rear property line abuts a parking area for the commercial use to the south, ensuring there will be no land use compatibility impacts from the reduced setback.

Building Height

The City Zoning By-law establishes a maximum building height of 11 metres for mixed-use buildings. The proposed development features a building height of 20 metres. This increase in height can be supported as:

- The mixed-use building is adequately buffered from the residential dwellings located to the east mitigating any shadowing concerns. The increased height would not result in any negative impacts for the commercial uses to the north, west, or south.

- The proposed development is located on a Regional Road, the preferred location for higher density and taller development due to the existing and planned capacity of such infrastructure to support higher traffic volumes than local roads.
- The proposed development facilitates intensification within the Built-up Area as encouraged in the City's Official Plan.
- The increase in height would enhance the Main Street West streetscape creating a visually appealing urban environment.
- The increase in height supports the creation of residential units significantly contributing to housing supply.

Total Parking Spaces

The proposed development features 95 residential units, best characterized as apartment building dwelling units. The City Zoning By-law requires 1.25 spaces per apartment building unit for a total of 119 parking spaces required. Service commercial and restaurants represent the most restrictive parking requirements for the uses permitted. These uses require 1 space for 20 square metres of gross floor area for a total of 18 parking spaces for commercial use. Therefore, the required parking for all uses on the site is 136 spaces. The proposed development provides for 132 spaces. The proposed reduction in total parking spaces is minor and can be supported as:

- The Subject Lands are located on the Region's Strategic Cycling Network, an active transportation network. Future residents can utilize such planned infrastructure as a transportation option.
- A review of ITE parking data and comparable zoning requirements from adjacent municipalities (City of Welland and Town of Pelham) support the proposed parking supply of 132 spaces as sufficient.
- The Subject Lands are located on a Regional Road, the preferred location for transit should the Region choose to expand transit infrastructure in the future.

Parking Space Dimension for Obstructed Spaces

All parking spaces are proposed to be 2.6 by 5.2 metres. As some spaces will be obstructed on one side, they are deficient the 3.0 by 5.2 metres required in the City Zoning By-law. This reduction can be supported as:

- The average vehicle width in North America is 1.8 metres.¹ Therefore, there will be 0.8 metres provided to ensure adequate access to the vehicle, despite the obstructed side.
- There are only 3 parking spaces with obstructed sides, representing a infrequent occurrence with no negative impacts anticipated.
- The proposed 2.6 metre width is consistent with the standard requirement for parking spaces in the City Zoning By-law.

¹ [Average Car Length: All You Need to Know About It » Way Blog](#)

Ingress and Egress

The City Zoning By-law requires driveways to be 7.5 metres in width for two lane traffic, the proposed development provides a drive aisle 6.0 metres in width. A reduction in ingress and egress can be supported as the width of the drive aisle will be large enough to accommodate two lanes of traffic and access to parking spaces. Additionally, no parking will be permitted in the drive aisles reducing the risk of obstructions.

Loading Space

A loading space is proposed at the rear of the building. The rear lot line abuts several residential lots resulting in non-compliance with the City By-law. Locating the loading area within the rear yard will not result in any negative impacts to the abutting residential uses due to the provision of an adequate setback, landscaping strip and a 2.6 m high screening fence.

Minimum Landscaped Open Space within Parking Areas

No landscaped open space for the proposed development can be supported as:

- An intent of this provision is to ensure that parking areas are not dominated by asphalt. The proposed development features a landscaping buffer around the perimeter of the site and parking islands which can be landscaped at the more detailed site plan stage.
- In considering the density of development proposed, the size of the parking area, and compact form of development, the provision of additional landscape open space appears to be unnecessary and would be difficult to incorporate while maintaining sufficient parking on the Subject Lands.

8.0 Summary and Conclusion

It is our opinion the proposed Official Plan and Zoning By-law Amendments represent good land use planning, are in the public interest and should be approved for the following reasons:

1. The Applications have regard to matters of Provincial Interest, as required in Section 2 of the *Planning Act*.
2. The Applications are consistent with the Provincial Policy Statement (2020) and in conformity with the Growth Plan, Niagara Official Plan (2022), and the City of Port Colborne Official Plan, for the following reasons:
 - a. The proposed development will make efficient use of lands and existing municipal services and facilities.
 - b. The mixed-use form of the proposed development is considered to be an example of compact built-form and contributes to complete communities.
 - c. The density of development is appropriate for the Subject Lands due to their location on a Regional Road and planned active transportation infrastructure.
 - d. The proposed development is compatible with the surrounding residential lands and the proposed units will contribute to diversify the existing housing stock in the area.
 - e. An Environmental Site Assessment has been completed which supports the submission of a Record of Site Condition for the change in land use.

Report prepared by:



Max Fedchyshak, M. Pl
Planner
NPG Planning Solutions Inc.



Rhea Davis, M. Pl
Intermediate Planner/Urban Designer
NPG Planning Solutions Inc.

Report reviewed and approved by:



Jesse Auspitz, MCIP, RPP
Senior Planner
NPG Planning Solutions Inc.

9.0 Appendices

Appendix A – Draft Official Plan Amendment

THE AMENDMENT

All of this part of the document titled “Details of the Amendment” consisting of the following text and map designated Schedule “A”, constitutes Amendment No. XX to the Official Plan for the City of Port Colborne.

DETAILS OF THE AMENDMENT

The Official Plan for the Port Colborne Planning Area is hereby amended as follows:

1. Notwithstanding Section 3.8 of the Official Plan for the City of Port Colborne, a mix of uses including both ground floor commercial and a combination of ground floor and upper storey residential uses are permitted on the Subject Lands as shown on Schedule “A” to this amendment.

The following changes are made to Schedule A – City Wide Land Use of the Official Plan for the Port Colborne Planning Area:

1. That the area shown as “Highway Commercial” and entitled “Schedule A to Official Plan Amendment No. XX”, shall be subject to Special Policy Area provisions and shall be identified on Schedule A City Wide Land Use Map of the Official Plan for the Port Colborne Planning Area.

IMPLEMENTATION AND INTERPRETATION

The implementation and interpretation of this amendment shall be in accordance with the respective policies of the Port Colborne Official Plan and an amendment to the City Zoning By-law to rezone the subject lands.



Appendix B – Draft Zoning By-law Amendment

THE CORPORATION OF THE CITY OF PORT COLBORNE

BY-LAW NO. _____

BEING A BY-LAW TO AMEND ZONING BY-LAW 6575/30/18, RESPECTING LANDS LEGALLY DESCRIBED AS LOTS 9, 10 AND PART OF LOT 11, REGISTERED PLAN NO. 767 AND BLOCK 'A' AND PART OF BLOCK 'B', REGISTERED PLAN NO. 775 IN THE CITY OF PORT COLBORNE, REGIONAL MUNICIPALITY OF NIAGARA, AND MUNICIPALLY KNOWN AS 54 GEORGE STREET.

WHEREAS By-law 6575/30/18, is a by-law of the Corporation of the City of Port Colborne regulating the use of lands and the location and use of buildings and structures within the City of Port Colborne;

AND WHEREAS, the Council of the Corporation of the City of Port Colborne desires to amend the said by-law;

NOW THEREFORE, and pursuant to the provisions of Section 34 of *The Planning Act, R.S.O. 1990*, The Corporation of the City of Port Colborne enacts as follows:

1. This amendment shall apply to those lands described on Schedule "A" attached to and forming part of this by-law.
2. That the Zoning Map referenced as Schedule "A7" forming part of By-law 6575/30/18 is hereby amended by changing those lands described on Schedule 1 from Highway Commercial (HC) to Mixed-Use (MU) Zone, being a special provision of the Non-Residential Buildings and Mixed-Use (Residential and Non-Residential) Buildings Zone.
3. That Section 37 entitled "Special Provisions" of Zoning By-law 6575/30/18, is hereby further amended by adding the following:

Special Provision: MU-XX

The zoning of the land is changed from Highway Commercial to MU-XX and the following special regulations shall apply

Minimum Front Yard	4.0 metres from the balcony 5.0 metres from building
Minimum Interior Side Yard abutting Residential Zone	5.0 metres from parking structure
Minimum Rear Yard	3.0 metres from parking structure
Maximum Height	20 metres (building)

650 Main Street West, Port Colborne - Planning Justification Report

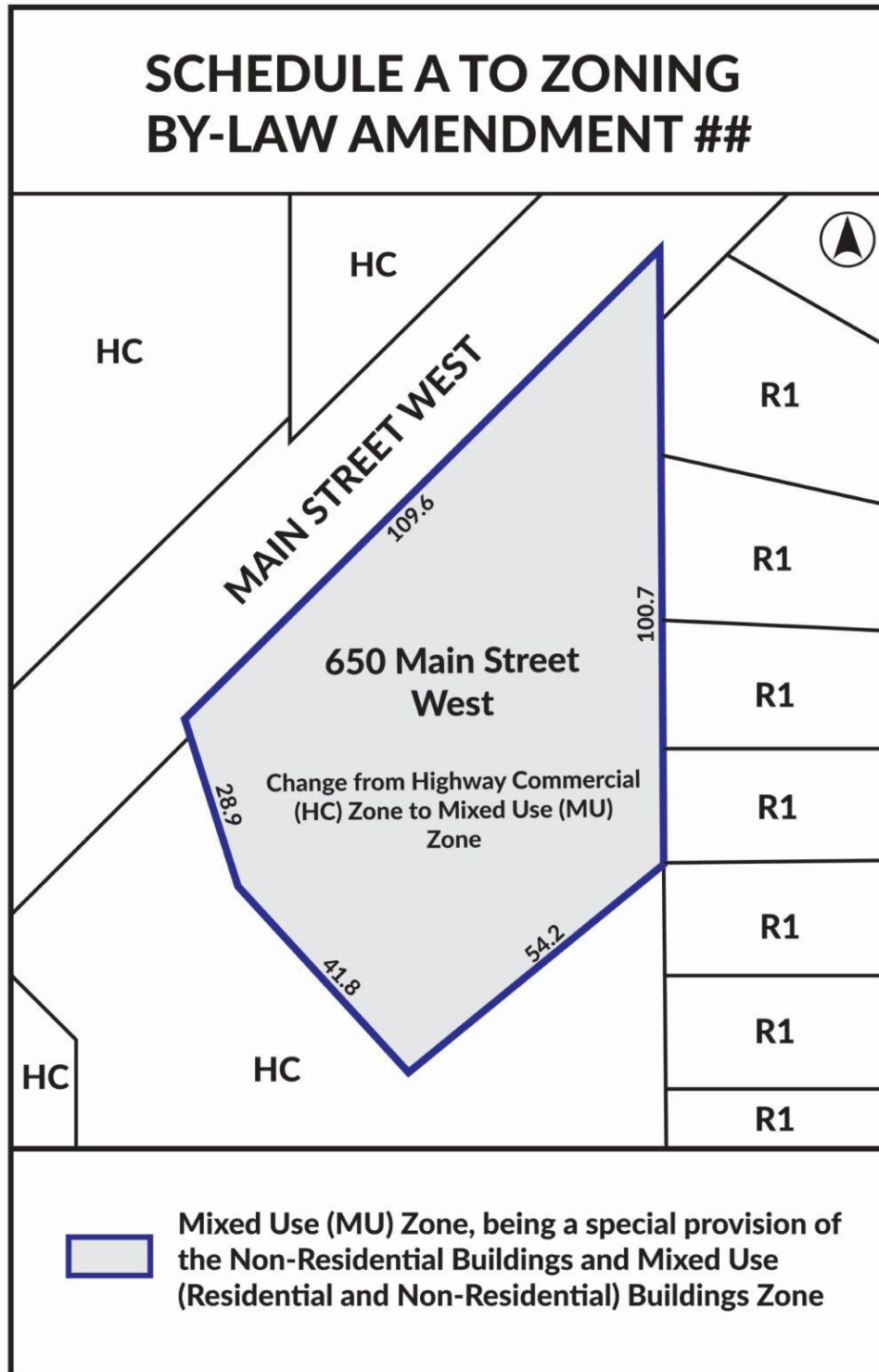
Parking Spaces Required	132 total parking spaces on site
Parking Space Dimension – Standard Space Obstructed on One Side	2.6 x 5.2 metres
Ingress and Egress	Driveways shall have a minimum unobstructed width of 6.0 metres where two-way traffic is permitted
Loading Spaces	A loading space is permitted in a rear yard abutting residential uses
Minimum Landscaped Open Space within Parking Areas	No landscaped area proposed

4. That this By-law shall come into force and take effect on the day that it is passed by Council, subject to the provisions of *The Planning Act, R.S.O 1990*.
5. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with *The Planning Act*.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS XXTH DAY OF XXX, 2023

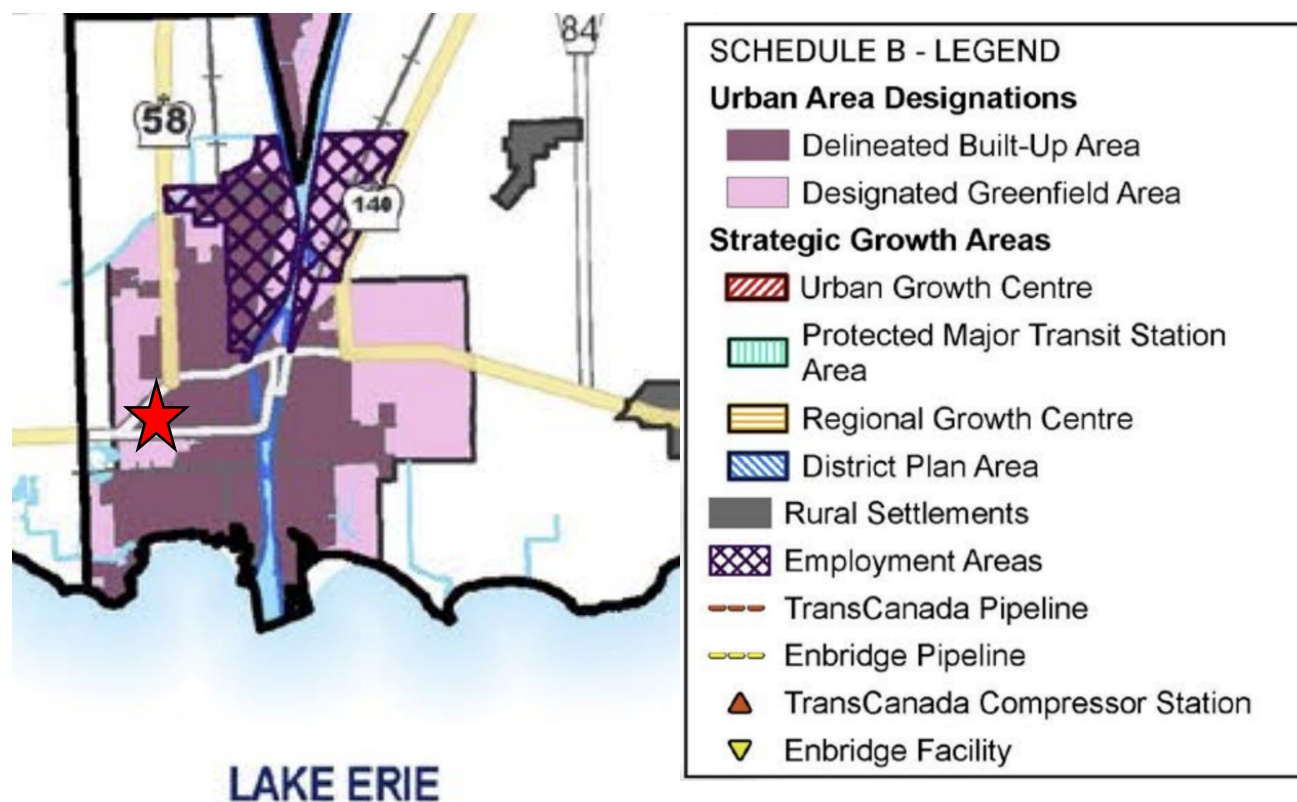
William C Steele, MAYOR

Amber LaPointe, CLERK



Appendix C – Niagara Region Schedules

Schedule B – Regional Structure (Subject Lands marked with Red Star)



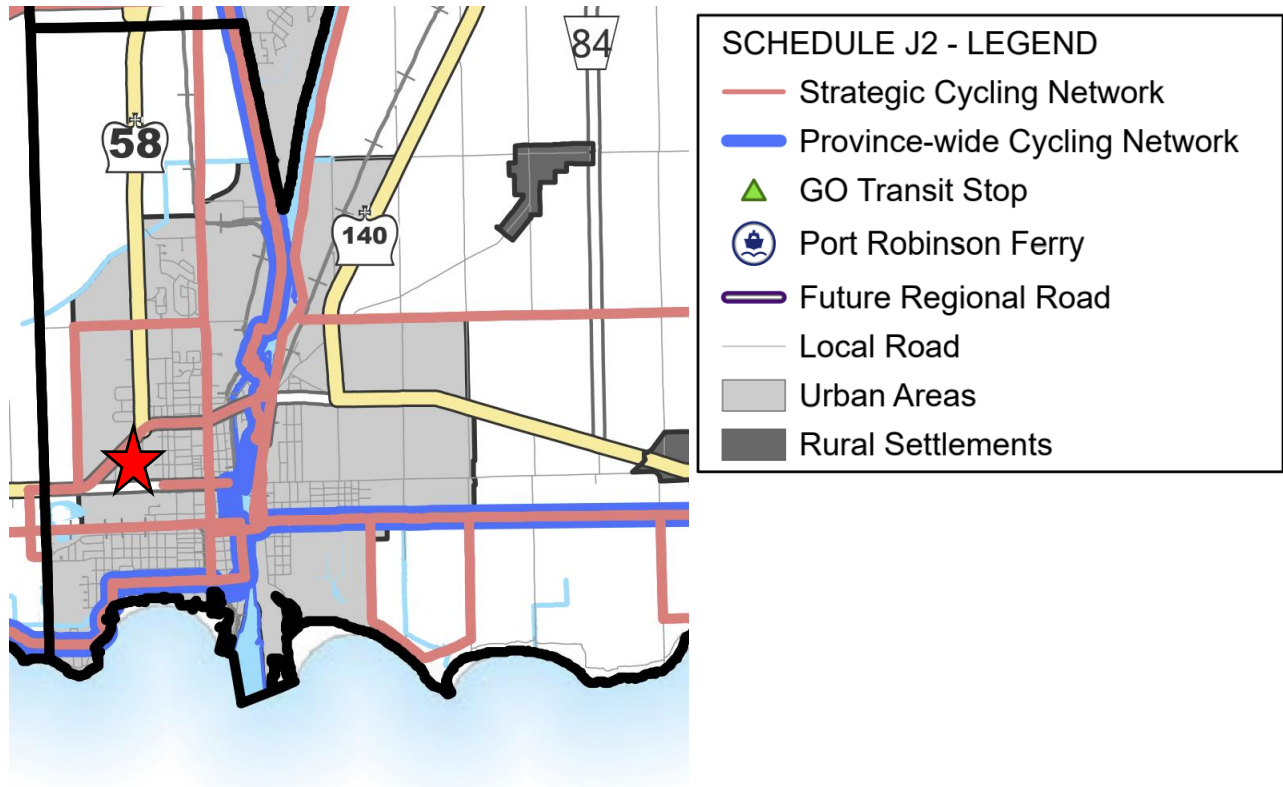
650 Main Street West, Port Colborne - Planning Justification Report

Schedule J1 – Transportation Infrastructure (Subject Lands marked with Red Star)



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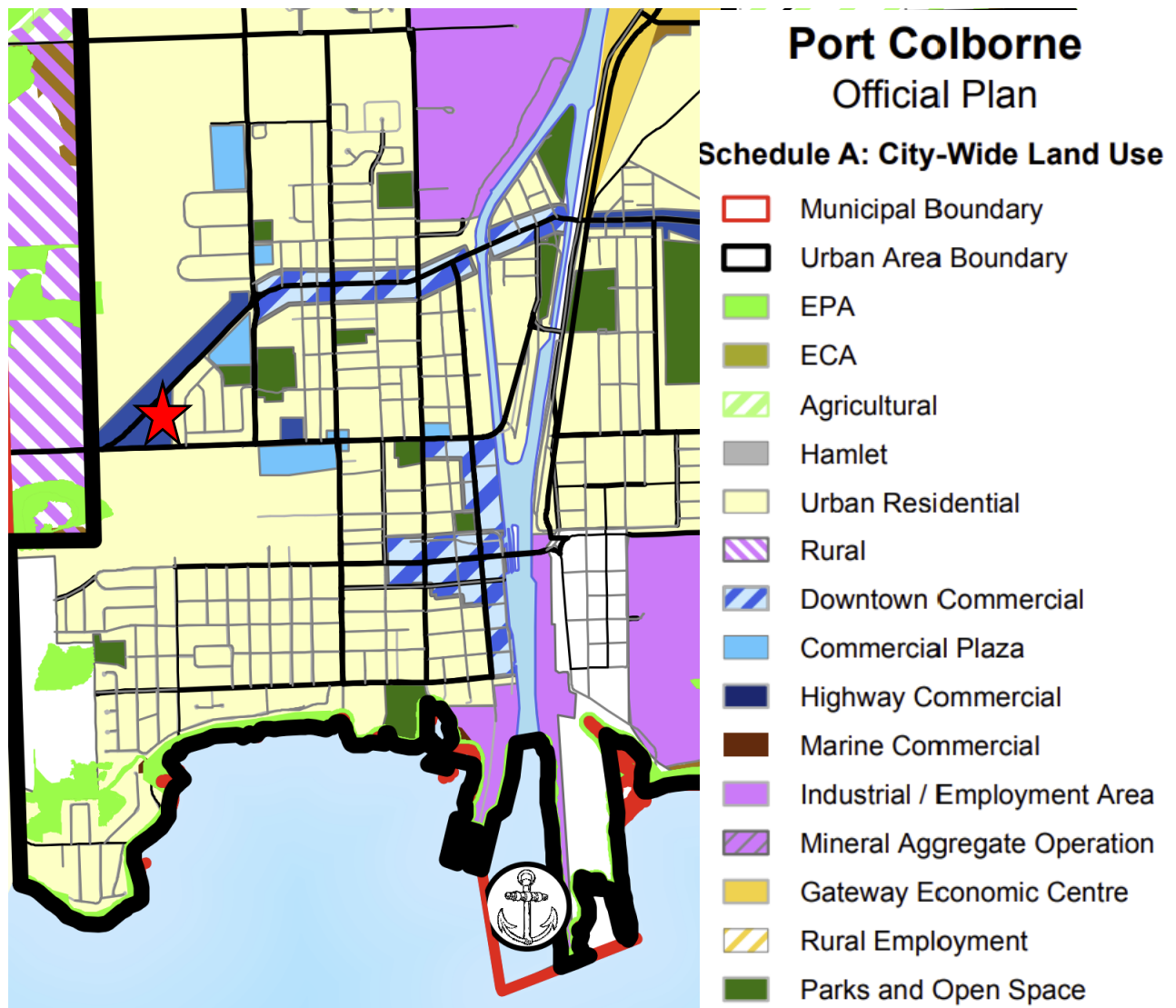
Schedule J2 – Strategic Cycling Network (Subject Lands marked with Red Star)



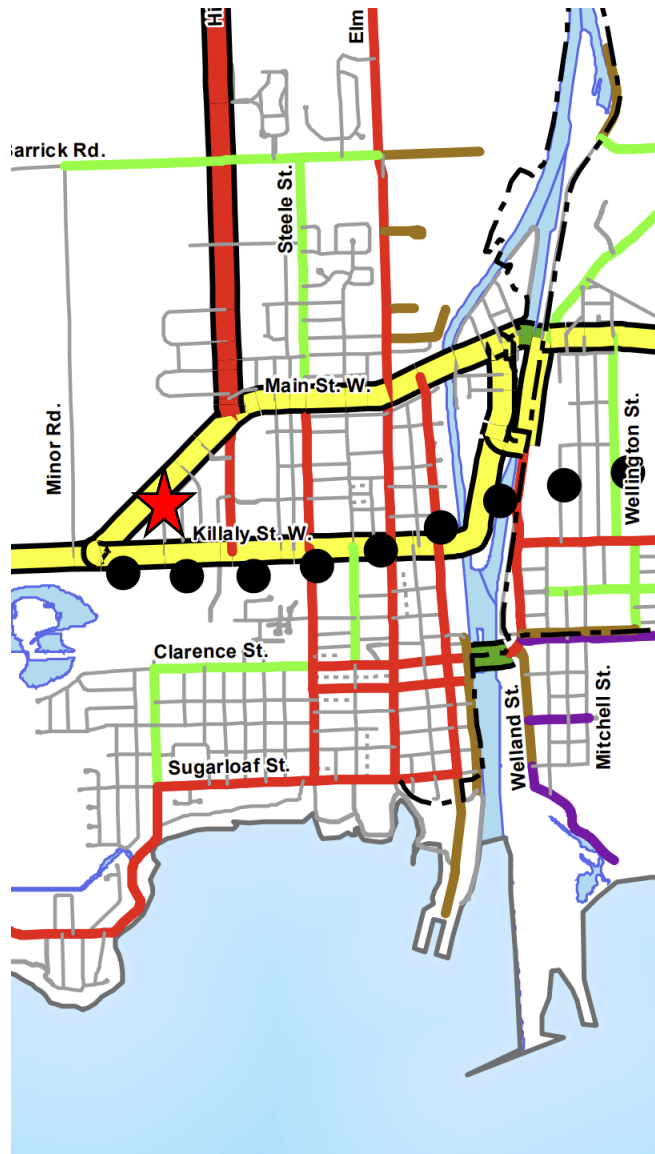
LAKE ERIE

Appendix D – City of Port Colborne Official Plan Schedules

Schedule A – Land Use Plan (Subject Lands marked with Red Star)



Schedule D – Transportation (Subject Lands marked with Red Star)



Port Colborne

Official Plan

Schedule D: Transportation

- Municipal Boundary
- ● ● Future Highway 3
- Port Colborne Bike Trails

Roads Classification

- Laneway
- Local Road
- Local Commercial or Industrial
- Arterial
- Collector
- Collector Commercial or Industrial
- St. Lawrence Seaway
- Regional
- Provincial

Appendix E – Zoning Schedule

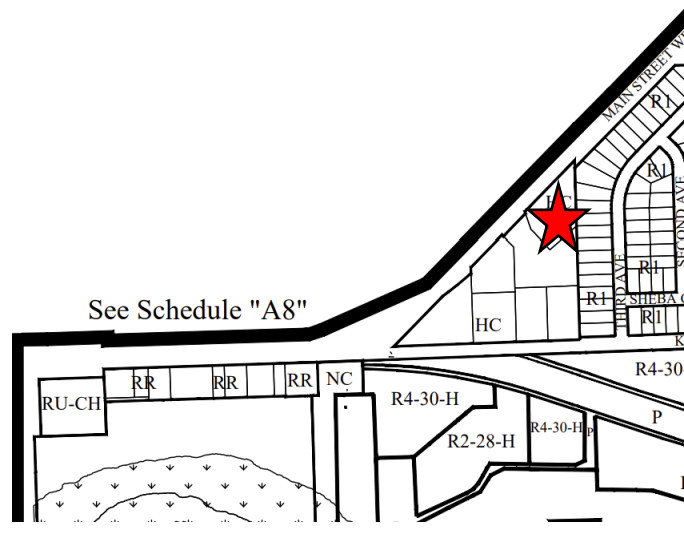
City of Port Colborne



SCHEDULE "A7"
to By-law No. 6575/30/18

LEGEND

Symbol	Zone
R1	FIRST DENSITY RESIDENTIAL
R2	SECOND DENSITY RESIDENTIAL
R3	THIRD DENSITY RESIDENTIAL
R4	FOURTH DENSITY RESIDENTIAL
RD	RESIDENTIAL DEVELOPMENT
NC	NEIGHBOURHOOD COMMERCIAL
DC	DOWNTOWN COMMERCIAL
HC	HIGHWAY COMMERCIAL
MC	MARINE COMMERCIAL
I	INSTITUTIONAL
P	PUBLIC AND PARK
HI	HEAVY INDUSTRIAL
	ENVIRONMENTAL PROTECTION
	HAZARD
	ENVIRONMENTAL CONSERVATION



This is Schedule "A7" to By-law No. 6575/30/18

Appendix F – Site Plan

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